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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/579,321  
Filing Date: January 08, 2007  
Appellant(s): BRASS ET AL.

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Christa Hildebrand  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05/18/2010 appealing from the Office action mailed 11/20/2009.

**(1) Real Party in Interest**

The examiner has no comment on the statement of the real party in interest.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1-6, 8-11, and 13-16.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

6,138,011	Sanders, III et al.	Oct. 24, 2000
3GPP TS 42.068 V5.2.0	Pages: 9-15, 17, 43-44, 50-51, 58 Sections: 4.2.2.1, 5.1, 7.2, 8.1.2, 9.1, and 11.4-11.6	Dec. 2002
2003/0109269	Laumen et al.	Jun. 12, 2003
6,085,1000	Tarnanen	Jul. 4, 2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. **Claims 1, 3, 4, 5, 8, and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Patent No.: US 6,138,011 to Sanders III et al (herein “Sanders”)** and **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2”**.

**Consider claim 1, Sanders teaches** a method for transmitting text and/or binary information representing a short message (SM) in addition to voice information for a talker and at least one listener of a Voice Group Call (VGC), comprising the step of sending a special, dedicated signal to all listeners and to the talker in a network (see **Sanders col. 7 lines 10-27 and FIG. 1, which show a method of facilitating group voice communications and group short message service within a network from the originating communication device (111) to the target devices (107-110). The originating communication device transmitting short messages to the target device embodies the sending of a special, dedicated signal**).

**Sanders teaches in col. 2 lines 55-63 dispatch related information for the talk group including a talk group affiliation for identifying target devices for establishing the communication links necessary for transmission of the short message. Sanders fails to explicitly state** wherein the SM will be addressed by an associated Voice Group Call reference

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representing a concatenated sequence of group identification (ID) and a group call area identification. **However attention is directed to 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” which teaches** an associated Voice Group Call reference representing a concatenated sequence of group identification (ID) and a group call area identification (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Page 17, Section 9.1 which explains elementary identities for group calls such as a group call reference composed of a group ID and a group call area ID. Each voice group call in one network is uniquely identified by its Group call reference).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” to fulfill the limitation wherein the SM will be addressed by an associated Voice Group Call reference representing a concatenated sequence of group identification (ID) and a group call area identification with motivation to enable group members with initiation and reception of voice group and short message group calls associated with the identities.

**Consider claim 3, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to claim 1, wherein the special dedicated signal is a short message-mobile terminated (SM-MT) (see **Sanders col. 7 lines 10-27 which explain establishing a communication link from the originating mobile device through the network to the target devices and the network capable of transmitting a short message to the target devices, thus the short message is mobile terminated).**

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**Consider claim 4, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to any of claim 1, wherein the SM follows the structure of a regular point-to-point – short message service in parallel to an ongoing point-to-point – voice or point-to-point – cs data call (see Sanders col. 6 lines 42-67 and col. 7 lines 1-27 which explain the establishment of full duplex dedicated communication links for the originating mobile device and teach of the target mobile devices to the network, point-to-point, voice group call that additionally facilitates short message service on full duplex data communication links).

**Consider claim 5, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to claim 1, wherein the SM is sent from the current talker to the network in form of a short message-mobile originated (SM-MO) (see Sanders col. 7 lines 10-27 which explain establishing communication links from the originating communication device through the network to the target communication devices and transmitting a short message to the network from the originating mobile device, the short message is mobile originated).

**Consider claim 8, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” teach** the method according to any of claim 1, wherein, if the current talker is sending the SM and during the sending the talker intends to end his speaking, a mobile station (MS) will hold the uplink until the SM is sent completely to the network (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 4.2.2.1, 11.4, and 11.5 with emphasis on discussion of uplink management, which explain a voice group call with an uplink that is only accessible by one user at any one time and it is released only upon

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**reception of an uplink release message at the anchor mobile switching center from a base station controller. Thus, the current talker has exclusive access to the uplink channel while communicating to the network and the other target devices on the voice group call must wait for the uplink to become free).**

**Consider claim 9, Sanders teaches** a method for transmitting text and/or binary information representing a short message (SM) in addition to voice information for a talker and at least one listener of a Voice Group Call (VGC), comprising the step of sending a special, dedicated signal to all listeners and to the talker in a network (see Sanders col. 7 lines 10-27 and FIG. 1, which show a method of facilitating group voice communications and group short message service within a network from the originating communication device (111) to the target devices (107-110). The originating communication device transmitting short messages to the target device embodies the sending of a special, dedicated signal), wherein a Short Message Entity (SME) in the network requests a short message service center (SC) to send the SM to members of the VGC (see Sanders col. 7 lines 10-27 and FIG. 1 which explain an originating mobile device sending a short message for the target devices to an SMS processor coupled to an originating MSC),

**Sanders fails to explicitly state** the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC, the SC forwards the SM to the appointed Anchor-MSC for this VGC, the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs), the Relay-MSCs send the SM to all respective BSS for the VGC, which transmit it to the listeners. **However attention is**



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**directed to 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” which teaches the** SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC (see **3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 5.1 Service subscriber originated and 11. 6 Service subscriber initiated call, which explain the originating MSC consulting its GCR, which may be coupled to or within the MSC, for the group call attributes, specified in Section 8.1.2, for routing information identifying the VGC Anchor-MSC), the SC forwards the SM to the appointed Anchor-MSC for this VGC (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 5.1 service subscriber originated, which explains the originating MSC shall then route the VGC to the Anchor-MSC), the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs) (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.4 Successful call set-up, which explains the group call Anchor-MSC sets up the downlinks to the cells inside the MSC area of the group call Anchor-MSC into which the call is to be sent, sets up the connections to the dispatchers to which a dedicated link is to be established, and sets up the connections to the relay MSCs into which the call is to be sent), the Relay-MSCs send the SM to all respective BSS for the VCG, which transmit it to the listeners (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.5 Successful call set-up initiated by the anchor MSC, which explains the relay-MSC sets up the downlinks to the cells inside the relay MSC area into which the call is to be sent. Section 7.2 Radio Channels explains the downlink received at the target devices).**

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders invention to employ the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” to fulfill the limitation the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor-MSC) for this VGC, the SC forwards the SM to the appointed Anchor-MSC for this VGC, the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs), the Relay-MSCs send the SM to all respective BSS for the VGC, which transmit it to the listeners as taught by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” with motivation to enable group members with initiation and reception capabilities of voice group and short message group calls.

2. **Claims 2 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as applied to claim 1 and 5 above, and further in view of **Laumen et al (Pub No.: US 2003/0109269 A1)**.

**Consider claim 2, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” fail to explicitly state** the method according to claim 1, wherein the short message is sent in unacknowledged mode. **However attention is directed to Laumen who teaches** the method according to claim 1, wherein the short message is sent in unacknowledged mode (see **Laumen paragraphs [0045]-[0053] which explain a method for transmitting MMS messages such as text messages which send a delivery report with a**

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**confirmation acknowledgement (ack) or negative confirmation acknowledgement (nack) from the network).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” invention to employ the signaling of ack and nack confirmation of messages to fulfill the limitation the method according to claim 1, wherein the short message is sent in unacknowledged mode as taught by Laumen with motivation from Laumen to be sure that the sent message was successful or unsuccessful (see **Laumen paragraphs [0029]-[0030]**).

**Consider claim 6**, claim 6 has limitations similar to those treated in the above rejection(s) and are met by the references as discussed in claim 2 above.

**3. Claims 10 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as applied to claim 1 above, and further in view of **Tarnanen (Patent No.: 6,085,100)**.

**Consider claim 10, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” fail to teach** the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference). **However attention is directed to Tarnanen who teaches** the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource

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controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference) **(see Tarnanen col. 4 lines 35-67 and col. 5 lines 4-8, which teach a SACCH channel for transmitting short messages on the uplink).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” invention to employ transmitting SM over the SACCH on the uplink as in Tarnanen within the VGC of Sanders to fulfill the limitation the method according to claim 1, wherein the talker sends the SM via a slow associated control channel (SACCH) of a respective uplink-channel on a resource controlling signaling connection control part (SCCP) to a mobile switching center analogue to the sending of a point-to-point-short message service (PtP-SMS) via the respective SACCH, where the destination of the SM is either a Mobile Station International ISDN number (MSISDN) or a voice group call - reference (VGC-Reference) as taught by Tarnanen with motivation to improve the processing of short message in a network **(see Tarnanen col. 3 lines 22-24).**

**Consider claim 11, Sanders as modified by 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Tarnanen teach** the method according to claim 10, wherein by using the MSISDN the SM is forwarded to a short message service center and there it is handled according to normal PtP-SMS **(see Tarnanen col. 6 lines 27-30 which explain the “daddr” field of the SM being the destination address. Tarnanen further explains in col. 7**

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**lines 33-36 that the destination address, "daddr," field may be the MSISDN number.**

**Lastly, col. 7 lines 39-41 explain sending the SM to the short message service center to be forwarded to the destination address).**

4. **Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders, III et al (Patent No.: US 6,138,011) and 3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2."**

**Consider claim 13, 3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2" teach a mobile communication system with at least one logical unit for controlling signal exchange between members of a voice call group (see 3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2" Section 5.1 which explains a originating MSC).**

**3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2" fails to teach with additional functional processing means for transmitting text and/or binary to one or more users of the voice group in a network. However attention is directed to Sanders who teaches with additional functional processing means for transmitting text and/or binary to one or more users of the voice group in a network (see Sanders col. 7 lines 10-27 and FIG. 1, which show an originating mobile device with capability to transmit short messages target devices of a voice group communication using a short message processor).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the 3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2" invention to employ the group short message capabilities of Sanders to be implemented using the group identification means of 3GPP TS 43.068 "Voice Group Call Service (VGCS); Stage 2" to fulfill the limitation with additional functional processing means for transmitting text and/or

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binary to one or more users of the voice group in a network as taught by Sanders with motivation from to enable group members with initiation and reception capabilities of voice group and short message group calls.

**3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach** herein the text and/or binary information will be addressed by an associated voice group call reference representing a concatenated sequence of a group identification (ID) and a group call area identification (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 9.1 which explains identities for group calls such as a group call reference composed of a group ID and a group call area ID for addressing target devices within the VGC).

**Consider claim 14, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach** the mobile communication system according to claim 13, wherein the text and/or binary information is a short message (SM) (see Sanders col. 7 lines 10-27 which explain a group short message service).

**Consider claim 15, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach** the mobile communication system according to claim 14, further comprising a Short Message Entity (SME) in the network requests a short message service center to send the SM to members of the VGC (see Sanders col. 7 lines 10-27 and FIG. 1 which explain an originating mobile device sending a short message to an SMS processor coupled to an MSC), the SC interrogates a Group Call Register (GCR) in order to retrieve routing information of an Anchor - Mobile Switching Center (Anchor - MSC) for this VGC (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 5.1 Service subscriber

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**originated and 11. 6 Service subscriber initiated call, which explain the originating MSC consulting its GCR for the group call attributes specified in Section 8.1.2 routing information identifying the VGC Anchor-MSC), the SC forwards the SM to the appointed Anchor-MSC for this VGC (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 5.1 service subscriber originated, which explains the originating MSC shall then route the VGC to the Anchor-MSC), the Anchor-MSC itself forwards the SM to all the base station subsystems (BSS) partaking in the VGC and in addition to all Relay-Mobile Switching Centers (Relay-MSCs) (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.4 Successful call set-up, which explains the group call Anchor-MSC sets up the downlinks to the cells inside the MSC area of the group call Anchor-MSC into which the call is to be sent, sets up the connections to the dispatchers to which a dedicated link is to be established, and sets up the connections to the relay MSCs into which the call is to be sent), the Relay-MSCs send the SM to all respective BSS for the VGC, which transmit it to the listeners (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Section 11.5 Successful call set-up initiated by the anchor MSC, which explains the relay-MSC sets up the downlinks to the cells inside the relay MSC area into which the call is to be sent. Section 7.2 Radio Channels explains the downlink received at the target devices).**

**Consider claim 16, 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” as modified by Sanders teach the mobile communication system according to claim 14, wherein if a talker is sending the SM and during the sending the talker intends to end his speaking, a mobile station will hold the uplink until the SM is sent completely to the network (see 3GPP TS 43.068 “Voice Group Call Service (VGCS); Stage 2” Sections 4.2.2.1, 11.4, and 11.5 with emphasis**

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**on discussion of uplink management, which explain a voice group call with an uplink that is only accessible by one user at any one time and it is released only upon reception of an uplink release message at the anchor mobile switching center from a base station controller. Thus, the current talker has exclusive access to the uplink channel while communicating to the network and the other target devices on the voice group call must wait for the uplink to become free).**

#### **(10) Response to Argument**

(I) Appellants argue that Sanders expressly teaches away from the modification or combination of Sanders in view of 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2'. The Appellants further explain that Sanders background section identifies a problem or limitation associated with such conventional dispatch radio communication systems in that they permit only one-half duplex telephone interconnect and that Sanders overcomes this limitation by permitting a full duplex group call (brief pages 6-8 with regards to Independent claim 1).

The examiner respectfully disagrees. Sanders III et al provides Voice Group Call Service (VGCS) within a cellular telephone network 101 with infrastructure equipment supporting a variety of cellular platforms, i.e. Global System for Mobile Communications (GSM) (see Sanders III et al col. 3 lines 10-20). 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' also provides VGCS within a GSM platform (see 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' Title Page and Section 5.1 on Page 11). Sanders III et al invention explains some disadvantages of known dispatch radio communications systems as being independent and often privately owned, requiring a substantial capital investment, and only permitting one-half duplex telephone interconnect (see Sanders III et al col. 1 line 52 - col. 2 line 7). Sanders III et al



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provides dispatch or group call service to an existing public telephone network, via cellular platforms such as GSM, that permits full duplex group call to be commenced effortlessly by the user of a subscriber and that do not require modification of the existing telephone network (see Sanders III et al col. 2 lines 8-13 and col. 3 lines 6-20). Therefore, Sanders III et al provides the enhancement of full-duplex group calls to an existing cellular network. While, 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2', scope explains that VGCS conversation of a predefined group of service subscribers in half duplex mode, it is implemented using the existing telephone network, i.e. a GSM cellular platform. Furthermore, 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' Section 7.2, Page 14, explains full standard duplex channels shall be provided, via GSM, to all dispatchers listed in the Group Call Register (GCR). 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' Page 25, Section 11.3.5.3 explains that dispatchers are mobile subscribers. Sanders III et al facilitates the enhancement of dispatch or group Short Message Service (SMS) (see Sanders III et al col. 7 lines 10-27). Sanders III et al explains dispatch-related information includes a talk group affiliation for the originating device and based on the dispatch-related information, the dispatch controller identifies a group of target communications for the dispatch call (see Sanders III et al col. 2 lines 55-64). 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' explains using a Group call reference for uniquely identifying its Voice Group Call (VGC) including a group ID and group call area ID. The group call reference, including the concatenated sequence of group ID and group call area ID, are elementary identities for a group call according to the GSM cellular platform (see 3GPP TS 43.068 section 9.1-9.2). Both the "talk group affiliation" and the Group call reference are used by the respective system as identities for the communication devices within the call, therefore

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one of ordinary skill in the art would be able to use the group call reference of 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' for identifying the originating and target devices for directing voice and short message to the group as in Sanders III et al.

**(II)** Appellants argue that claim 8 inherently calls for simultaneous sending of SM and voice information and that Sanders III et al fails to teach transmission of both SM and voice simultaneously. The appellant states Sanders III et al teaches to the contrary, where either SM or a call is request, but not both simultaneously (brief page 8 with regards to Dependent Claim 8).

The examiner respectfully disagrees. Sanders III et al col. 7 lines 10-27 explains sending call request and the short message, thus both simultaneously.

**(III)** Appellants argue that the Sanders III et al teaches away from 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' similar to arguments for claim 1 in section (I) above (brief pages 8-9 with regards to Dependent claim 8).

The examiner respectfully disagrees for the same reasons as explained directly above in section (I).

**(IV)** Appellants argue that 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' fails to disclose or suggest any relationship between the duration of which the uplink is held and the sending of the short message, much less that the uplink be held until the SM is sent completely to the network (brief page 9 with regards to Dependent claim 8).

The examiner respectfully disagrees. 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2' explains that "one service subscriber has the access at any one time to the uplink of the voice group call channel and his speech is then broadcast on all voice group call channel downlinks accordingly" (see 3GPP TS 43.068 'Voice Group Call Service (VGCS);

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Stage 2' page 9, section 4.2.2.1). Sanders III et al. is used as an enhancement to standard VGCS by providing SMS service over communication links 126 and 127 (see Sanders III et al Fig. 1, col. 7 lines 10-27). During transmission of uplink data within the Voice Group Call from a particular mobile device, the uplink channel must only be accessed at any one time by that one particular device as stated above to avoid collision and interference within the network.

Similarly, with the addition of SMS service, via Sanders III et al, the VGCS uplink channel should be exclusively held for voice and short message communications, thus avoiding collisions and interference on the uplink channels.

**(V)** Appellants repeat similar arguments, Sanders III et al teaches away from 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2,' for claim 9 as for claim 1 above in section (I) (brief pages 9-10 with regards to Dependent claim 9).

The examiner respectfully disagrees for the same reasons as explained directly above in section (I).

**(VI)** Appellants repeat similar arguments, Sanders III et al teaches away from 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2,' for claim 13 as for claim 1 above in section (I) (brief pages 11-12 with regards to Independent claim 13).

The examiner respectfully disagrees for the same reasons as explained directly above in section (I).

**(VII)** Appellants repeat similar arguments, Sanders III et al teaches away from 3GPP TS 43.068 'Voice Group Call Service (VGCS); Stage 2,' for claim 15 as for claim 1 above in section (V) (brief pages 12 with regards to Dependent claim 15).

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The examiner respectfully disagrees for the same reasons as explained directly above in section (I).

**(VIII)** Appellants repeat similar arguments for claim 16 as for claim 8 above in sections (II)-(IV) (brief pages 12 with regards to Dependent claim 16).

The examiner respectfully disagrees for the same reasons as explained directly above in sections (II)-(IV).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/MARCUS HAMMONDS/

Examiner, Art Unit 2617

/Kent Chang/

Supervisory Patent Examiner, Art Unit 2617

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617